

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

**FILED**

May 13, 2025

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXASUnited States of America  
vsBY: Adriana Quezada  
DEPUTY

DEFENDANT: Hendery Estuardo XAMBA-Raymundo

Case No.

**EP:25-MJ-2375-LE**Defendant(s)**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 12, 2025 in the county of El Paso in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

Charge 1: 18 U.S.C. 1001

knowingly and willfully made a materially false, fictitious and fraudulent statement and representation to an agent of the United States Border Patrol, by stating that Hendery Estuardo XAMBA-Raymundo is a minor born on July 23, 2008, when in truth and in fact that Hendery Estuardo XAMBA-Raymundo is an adult born on July 23, 2006.

This criminal complaint is based on these facts:

Charge #1: DEFENDANT #1 Hendery Estuardo XAMBA-Raymundo

See Attached

Continued on the attached sheet.

Complaint sworn to telephonically on  
May 13, 2025 at 01:01 PM and signed  
electronically. **FED.R.CRIM.P. 4.1(b)(2)(A)**

Sworn to before me and signed in my presence.

Date: May 13, 2025City and state: El Paso, Texas  
*Complainant's signature*David R. Valles Border Patrol Agent  
*Printed name and title*  
*Judge's signature*Laura Enriquez U.S. Magistrate Judge  
*Printed name and title*

CONTINUATION OF CRIMINAL COMPLAINT  
WESTERN DISTRICT OF TEXAS

Hendery Estuardo XAMBA-Raymundo

PEPT# PEPT250501438

05/13/2025

FACTS (CONTINUED)

On May 11, 2025, Border Patrol Agents encountered Hendery Estuardo Xamba-Raymundo, herein referred to as the defendant, near Columbus, New Mexico. The apprehending agent then determined that the defendant had unlawfully entered the United States of America from Mexico approximately 3.5 miles east of the Columbus Port of Entry in Columbus, New Mexico at time and place other than as designated by the Secretary of Homeland Security. The defendant was apprehended within a group of three individuals. Upon being arrested, the defendant claimed to be an unaccompanied juvenile, with a date of birth of July 23, 2008. The defendant was arrested and transported to the El Paso Sector Modular Centralized Processing Center (M-CPC).

On May 12, 2025, Border Patrol Agents approached the defendant and identified themselves at the M-CPC. Agents provided the defendant with his Miranda Rights at 9:00 am, in the Spanish language. Agents read the document to the defendant to which he signed and stated he understood his rights and agreed to answer questions without the presence of an attorney. Agents also read the defendant the "Title 18 United States Code, Section 1001" Warning at 9:10 am. The defendant stated he understood all the elements of the 1001 Warning and signed the document. The defendant told agents he understood the consequences of providing false statements and agreed to speak truthfully.

At time of apprehension, the defendant presented himself as a juvenile with the name of Hendery Estuardo Xamba-Raymundo and a date of birth of July 23, 2008, which made him a 16-year-old juvenile. When agents asked him to produce documents to prove his identity and age, the defendant stated he did not have any. The defendant was then enrolled as a juvenile at the Deming, New Mexico, Border Patrol Station and later transported M-CPC in El Paso, Texas. The defendant claimed he told the agents multiple times that he was a juvenile.

Agents proceeded to instruct the defendant to write down his biographical information on a sheet of paper, which might be used against him if it was discovered that he was providing false information. The defendant wrote down Hendery Estuardo XAMBA-Raymundo for his name, July 23, 2008, for his date of birth, 16 for his age, Comalapa for his place of birth, and Delfino XAMBA-Similox and Olga RAYMUNDO-Calel for his parents. He also wrote down the biographical information for three of his brothers. Agents questioned the defendant why he was the same age as his 16-year-old brother, he claimed he was exactly 9 months older. When questioned if he was in fact 16 years of age, the defendant began to say 18 but stopped and corrected himself. He continued to claim that he was 16 years old. Agents reminded the defendant about the consequences for lying to a Federal Agent. The defendant stated he understood and that he was not lying. Agents asked the defendant if anyone from his family could send a picture of his birth certificate, and he stated no. When asked if his brother or father, who he said were his sponsors in Columbus Ohio, could provide anything to prove his claims, he replied no. Agents allowed the defendant to call his mother to let her know he was ok. The defendant called his mother on speaker phone to let her know he was ok and to tell her where he was. His

CONTINUATION OF CRIMINAL COMPLAINT  
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FACTS (CONTINUED)

mother, Olga Marina Raymundo Calel then requested to speak with an agent at which time the agent asked if she could provide a birth certificate and she said yes. Olga Marina Raymundo Calel then sent a picture to the defendant's phone via WhatsApp mobile application. The birth certificate listed the defendants' date of birth as July 23, 2006, which made the defendant eighteen years old. When confronted with this information, the defendant confessed that he was in fact eighteen years old. When asked why he lied to federal agents about being a juvenile, he stated he was afraid of being sent back to Guatemala. The defendant also stated his brother, told him to pose as a minor. He also provided him with a date of birth that made him a juvenile. The defendant further stated it is common knowledge in Guatemala that if migrants enter as juveniles, they are released to their U.S. sponsors. The defendant stated he left Guatemala for a better future. He does not wish to return to Guatemala because of the great effort that he did to get to the United States. Agents terminated the interview and collected a Sworn Statement from the defendant.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

Immigration History:  
NONE

Criminal History:  
NONE